

Appendix

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

Hobby Distillers Association, Rick Morris,
Thomas O. Cowdrey III, Scott McNutt,
John Prince III

Plaintiffs,

v.

Alcohol and Tobacco Tax and Trade
Bureau, a bureau of the U.S. Department
of the Treasury; Department of Justice

Defendants.

DECLARATION OF RICK MORRIS

I, Rick Morris, hereby state as follows:

1. I reside at 923 Tulla Court in Keller, Texas.
2. I founded the Hobby Distillers Association as a membership organization. Hobby Distillers Association is located at 5951 Park Vista Circle in Keller, Texas.
3. The purpose of the Hobby Distillers Association is to encourage the legalization of at-home hobby distilling.
4. I am the leader of the Hobby Distillers Association and in charge of its day-to-day operations.
5. The Hobby Distillers Association has over one thousand three hundred members across the country.
6. Many of the Hobby Distillers Association's members have donated their time and money to advance the cause of legalizing at-home distilling.
7. The individual Plaintiffs in this lawsuit are all members of the Hobby Distillers Association.
8. I also operate Brewhaus (America), Inc., that has a permit to re-distill alcohol.

9. I am a connoisseur of Bourbon whiskey. I am certified as a Bourbon steward by the Stave & Thief Society. This certification entailed mastering the art of tasting spirits and learning the science behind distilling and aging.
10. I enjoy attending tastings with my brother and a group of our friends where attendees can sip a variety of different Bourbons.
11. If I could legally distill Bourbon at my home, I would do so, and I would enjoy hosting my brother and our friends at tastings of Bourbon that I had distilled. We would all enjoy experimenting with different recipes for Bourbon.
12. I have no interest in or intention to distill alcohol for sale.
13. I have ample space in my backyard and side yard to distill Bourbon a safe distance from my house and other houses. I do not have a still at my residence, but I could easily bring one there if the law permitted because my business, among other activities, manufactures stills for the distillation and re-distillation of alcohol.
14. I am willing to pay whatever tax is needed and follow the other requirements, including permitting, to ensure the federal government gets paid the appropriate amount of taxes.
15. I would also ensure that I follow all lawful requirements of my state and local government concerning such distilling before I start such distilling.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Rick Morris
Rick Morris (Dec 6, 2023 15:44 CST)
Rick Morris

Executed on:

Dec 6, 2023

Date

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FORT WORTH DIVISION**

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Defendants.

DECLARATION OF SCOTT MCNUTT

I, Scott McNutt, hereby state as follows:


1. I reside at 15 Story Place, Robbinsville, New Jersey 08691.
2. I got a Bachelor of Science in Electrical Engineering from the U.S. Coast Guard Academy. I served as a fire control officer aboard the U.S. Coast Guard Cutter Ingham. As a part of that job, I was responsible for firefighting, hull integrity, and various engineering tasks to ensure the electrics of the vessel continued to operate. Next, I worked at the U.S. Coast Guard electronics laboratory in Alexandria. After I left the service, I got my masters in electrical engineering at George Mason University.
3. I love to tinker, experiment, and learn new, challenging technical capabilities. I started as a ham radio operator when I was 11 years old; that would be almost fifty years ago. I'm a computer enthusiast.
4. To me, innovation comes out of the garage. That is where you come up with things the corporate guys will never come up with. I should know, I'm an engineer, and I've seen it a hundred times. It's a weird way of doing things, where you're not doing it for profit but just for curiosity, and lo and behold, you discover a few cool new things. Once technology catches up, people can start using it. Maybe you get a patent out of it, who knows. This kind of discovery tickles my fancy.
5. That kind of tinkering led me to distilling alcohol for fuel. I live in the part of New Jersey that is why they call it the "Garden State." There are lots of corn, wheat, and soy farmers around where I live—all things you can make alcohol out of. If there is a bumper crop, all

those farmers need something they can use with all those excess crops. So, I thought we could turn that into alcohol for fuel and get some use out of crops that would otherwise go to waste. The ability to use very little modern technology to transform these waste crops into something useful was fascinating.

6. Ethanol isn't evil. It's got medical, antiseptic, fuel, and other uses. It's just a tool that can be used in various ways. Likewise, distilling doesn't create any alcohol; it is the fermentation process of making beer or wine that creates the alcohol. Distilling just uses heat to get rid of some of the water, so it can be used for something like fuel.
7. To do this distilling for fuel use, I acquired a Federal Fuel Producers permit from the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, effective July 24, 2014, that let me legally distill fuel on the property of my home. That permit has a diagram that shows the still shed was 261 feet from my house on the same property as my house. Under that fuel producer's permit, I legally distilled alcohol for fuel purposes on my home's property.
8. In distilling alcohol at home, I realized that what I was making was no different than the alcohol used for beverage purposes. The alcohol is created by making beer or wine and then distilled down using the same process, whether for fuel or beverage purposes. Distilled alcohol for fuel use is nothing more than high-proof vodka. If you decide to use corn or grain to make alcohol, then all of a sudden, you're making whiskey. Even if I'm not allowed to drink it, that is what it is.
9. I don't understand why the federal government allowed me to distill alcohol at home for fuel but not for beverage purposes.
10. If the prohibition on at-home distilling was overturned or otherwise made not applicable to me, I would like to distill at home for beverage purposes.
11. I'm willing to pay whatever tax is needed and follow the other requirements, including permitting, to ensure the federal government gets paid the appropriate amount of taxes.
12. I would also ensure that I follow all lawful requirements of my state and local government concerning such distilling before I started such distilling.

13. I'm not looking to distill a lot, just to tinker around and learn more as I have with ham radio operation and the various computers that I have worked with throughout my career. If one day, I find a way to distill better-tasting alcohol than what is commercially available today; then I could start a business to make that available to others. But to do that, I need to be able to distill at home so I can tinker and experiment with it and see if I can do anything that hadn't been tried before to create better-tasting distilled alcohol.

Pursuant to 28 U.S.C. 1746, I hereby declare under penalty of perjury that the forgoing to true and correct.


Scott T. McNutt (Dec 5, 2023 23:06 EST)

Scott McNutt

Executed on:

Dec 5, 2023

Date

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FORT WORTH DIVISION**

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John Prince III

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v.

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Defendants.

DECLARATION OF JOHN PRINCE III

I, John Prince III, hereby state as follows:

1. I reside at 6509 West 51st Street, Sioux Falls, South Dakota 57106.
2. I think of myself as a tinkerer and a maker. My hobby interests include woodworking, building electronics, and welding.
3. Some years ago, I learned how to make beer and wine at home and became reasonably proficient at that. After that, I developed what might be called an interest or a hobby goal in making such beverages as hard cider, applejack, or sour mash whiskey.
4. If I were allowed under the law to distill beverage alcohol, I would do so as a hobby. In order to distill beverage alcohol, I would need to buy either a new condenser or an entirely new still.
5. I have space on my property that I could, hypothetically, use to distill alcohol. That space is in my four-wall garage that is attached to my house.
6. In or around the year of 2015, I disposed of the condenser I owned. Because the condenser is necessary for the operation of the still, I have been unable to distill alcohol since then.
7. If I were allowed under the law to distill beverage alcohol, I would do so while complying with the law in all respects. I would pay all applicable taxes for distilling beverage alcohol. I would acquire all relevant permits for distilling beverage alcohol. I

would follow all relevant federal, state, and local law relevant to distilling beverage alcohol.

8. I do not have any intent or interest in selling the beverage alcohol that I would manufacture, or otherwise participate in any commercial enterprise connected to its sale, if I were allowed under the law to distill beverage alcohol.

Pursuant to 28 U.S.C. 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.



John Prince III

Executed on:

11-28-2023
Date

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FORT WORTH DIVISION**

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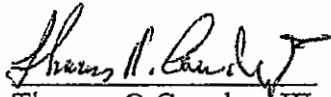
Defendants.

DECLARATION OF THOMAS O. COWDREY III

I, Thomas O. Cowdrey III, hereby state as follows:

1. I reside at 662 Terra Alta Drive, Aylett, Virginia 23009.
2. I learned how to distill beverage alcohol through a friendship with Rick Morris and through research on various Internet forums.
3. If I were allowed under the law to distill beverage alcohol, I would do so as a hobby. I have crafted a recipe for apple pie vodka that I would like to experiment with. Some of the constituents of this recipe are ginger, cloves, cinnamon, pepper, orange peel, vanilla beans, and brown sugar.
4. I own a still that is in my garage. My garage is near my house and on my property.
5. It has been roughly a year since I used my still to produce alcohol for fuel.
6. If I were allowed under the law to distill beverage alcohol, I would do so while complying with the law in all respects. I would pay all applicable taxes for distilling beverage alcohol. I would acquire all relevant permits for distilling beverage alcohol. I would follow all relevant federal, state, and local law relevant to distilling beverage alcohol.
7. I do not have any intent or interest in selling the beverage alcohol that I would manufacture, or otherwise participate in any commercial enterprise connected to its sale, if I were allowed under the law to distill beverage alcohol.

Pursuant to 28 U.S.C. 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.


Thomas O. Cowdrey III

Executed on:

11/28/2023
Date